REMARKS

In the Office Communication dated December 16, 2008 as entered in the above-captioned matter, the Examiner rejected claims 1-30 under 35 U.S.C. 112, first paragraph and under 35 U.S.C. 103(a) given an article by Girardot ("Girardot") in view of Lui et al. (U.S. Patent No. 6,340,977) ("Lui"). The applicant respectfully traverses these rejections and requests reconsideration.

Rejections under 35 U.S.C. 112

Claims 1-30 were rejected under 35 U.S.C. 112, first paragraph. The Examiner expresses concern that a particular representation in independent claims 1, 11, and 21 is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time of filing the application, had possession of the claimed invention. The expression in question reads, " wherein words in each multi-word phrase remain arranged in an order that is the same as an order in which those words are arranged in the digital content."

The words at issue specify that multi-word phrases formed during a fragmentation activity are comprised of words in an order that matches the order of those same words as appear in the original content prior to the fragmentation activity. In other words, phrases that result from the fragmentation activity are found in that same form in the original pre-fragmented content.

With all due respect, the Examiner errs in suggesting that such a stipulation is not sufficiently present in the specification as filed. Consider, for example, the first sentence of paragraph 70 – "The resulting stream contains nearly all of the words in the original content, and most of the phrases, but cannot be read." Consider as well the text of paragraph 08:

In one embodiment, the scrambling processes breaks a text stream derived from the content document into two to five word phrases, randomizes the phrases and creates a

text file from the randomized stream. *This process produces a scrambled text file that contains* nearly all of the words in *the original document and **most of the phrases***, but the scrambled file cannot be read by humans. Third party search engines are allowed to index the scrambled file *so that search algorithms that search on* particular words or *phrases produce nearly the same number of hits as with the plain text file*.[1]

These statements make it clear that the phrases that result from the fragmentation activity are comprised of words that are in the same order as they appear in the original document because otherwise these resultant phrases could not meet the stated requirements. In particular, for the statement in question to be accurate, the resultant scrambled text file contains most of the phrases as appear in the original document. Furthermore, a search algorithm searching on a given phrase that yields a hit with the original content could not also yield a hit with the resultant scrambled file unless the words of the before-and-after phrases did not match in the same order.

Accordingly, the applicant respectfully observes that the specification clearly supports the limitation in question.

That said, in the interests of expedited consideration the applicant has amended these independent claims in these regards to use, instead, the specific language of the specification. Claim 1, for example, now specifies:

- "fragmenting the text stream into multi-word phrases that are each contained in the digital content"

- "randomly assembling the phrases into a scrambled document such that the scrambled document contains at least nearly all of the words and at least most of the phrases as are contained in the digital content" and

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1 Emphasis supplied.

- "making the scrambled document available to the third party search engines to permit indexing of the scrambled document that will result in an index that is comparable to an index that would result if the third party search engine indexed the digital content."

The newly added language finds clear support in the specification. See, for example, the aforementioned paragraphs 08 and 70. Accordingly, the applicant respectfully submits that the claims and the specification are clearly compliant with the limited requirements of 35 U.S.C. 112, first paragraph and are in suitable condition to support allowance.

Rejections under 35 U.S.C. 103

Claims 1-30 were rejected under 35 U.S.C. 103(a) given an article by Girardot in view of Lui. Prior to discussing the merits of these rejections, the applicant believes it will be helpful to first briefly describe and characterize these prior art references.

The Girardot reference

Girardot describes a particular approach to representing, and then streaming, XML content via the Internet. Girardot utilizes the so-called Millau algorithms that serve to compress and stream XML structures and data. This includes parsing the streamable content into fragments and then providing a priority to each fragment. Each fragment is then streamed independent of any other fragment. A receiving platform then reconstructs the original document.

Girardot downloads his content fragments on a prioritized basis, with the more important elements being downloaded first.

The Lui reference

Lui discloses a cooperative help assistance (CHA) program that is executed by a client computer to assist the end user when using a given software application. To aid in these regards, and as disclosed at columns 30 and 31, Lui provides a mechanism for providing commentary to the end user. This commentary can comprise a simple exclamation such as "good" or can

comprise a more complicated statement or observation. Lui suggests that this comprise use of a set of fragments that can be combined, for example, to express various "moods, intonations, or expressions that generally attempt to assemble or build variety and character into the presentation."[2]

Claims 1, 11, and 21

Both Girardot and Lui can be distinguished from these claims in any number of ways. For the sake of brevity, the applicant will note only one of these points at this time.

Following the generation of a simplified text stream and the fragmenting of that text stream into "into multi-word phrases that are each contained in the digital content," these claims then require "*randomly* assembling the phrases into a scrambled document such that the scrambled document contains at least nearly all of the words and at least most of the phrases as are contained in the digital content."

To the extent that Girardot provides fragments of his original document, Girardot also provides for prioritizing those fragments so that those fragments are downloaded in a very specific order. Such a prioritization order of presentation, of course, is the opposite of a "random" assembling of those phrases. Girardo therefore fails to meet this requirement of these claims.

In turn, the assembly of Lui's expression fragments cannot be "random" or the resultant speech will be nonsense. Instead, by definition, Lui must ensure that his fragments are ordered in a careful and selective manner to ensure that the resultant expression will, in fact, convey the desired content or sentiment. Lui, then, also fails to meet this requirement of these claims.

Accordingly, no combination of Girardot with Lui, regardless of how obvious or unobvious that combination might be, will yield a *random* assembly of phrases into a scrambled

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2 Lui at column 31, lines 16-18.

document. This being so, the applicant respectfully observes that independent claims 1, 11, and 21 are allowable over these references of record and may be passed to allowance.
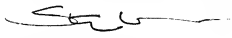
Claims 2-10, 12-20, and 22-30

These claims are ultimately dependent upon one of the independent claims shown above to be allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

Conclusion

There being no other objections to or rejections of the claims, the applicant respectfully submits that claims 1-30 may be passed to allowance. If the Examiner should have any other points of concern, the Examiner is expressly invited to contact the undersigned by telephone to discuss those concerns and to seek an amicable resolution.

Respectfully submitted,

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